

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BHUPINDER SINGH

Plaintiff,

v.

No. CV 10-775 JB/LAM

CURRY COUNTY SHERIFF'S OFFICE, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff's November 1, 2010, letter to the Court, which the Court construes as a Motion for Default Judgment (*Doc. 8*). On August 31, 2010, this case was dismissed pursuant to Plaintiff's request. *See Order (Doc. 6)* (explaining that Plaintiff's *Motion to Dismiss Complaint (Doc. 5)* is the equivalent of a notice of dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i), which dismisses the case). In his Motion for Default Judgment (*Doc. 8*), Plaintiff asks the Court to "enter a Default Judgment on [Plaintiff's] behalf" because Defendants have not responded to his Complaint. Defendants were not served with Plaintiff's Complaint because the case was voluntarily dismissed by Plaintiff prior to any order of service being entered. Defendants, therefore, have not failed to respond to Plaintiff's Complaint and Plaintiff is not entitled to a default judgment in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Default Judgment (*Doc. 8*) is **DENIED**.

IT IS SO ORDERED.



HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE